

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of

DEVELOP DON'T DESTROY BROOKLYN; et al.,

Petitioners - Plaintiffs

For a Judgment Pursuant to Article 78 of the CPLR and
Declaratory Judgment

- against -

URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT
CORPORATION; et al.,

Respondents - Defendants

AFFIDAVIT OF JAMES VOGEL

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

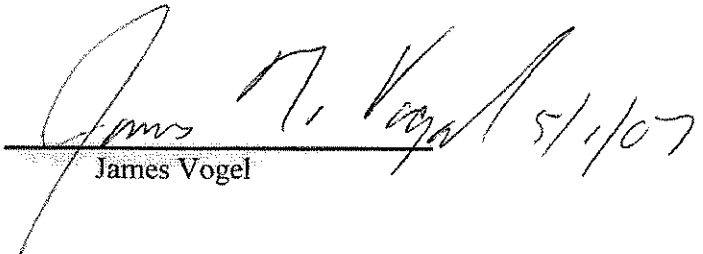
James Vogel, being duly sworn, deposes and says:

1. I am the secretary of the Council of Brooklyn Neighborhoods (“CBN”), and a member of East Pacific Block Association, two of the petitioners-plaintiffs (“petitioners”) in the above captioned proceeding. I respectfully submit this affidavit in support of the Article 78 proceeding brought by petitioners to challenge the approvals issued by the Empire State Development Corporation (“ESDC”) in connection with the proposed Atlantic Yards project (the “Project”).

2. CBN, a coalition of 41 organizations from the communities in and surrounding the Atlantic Yards footprint,, was formed for the sole purpose of engaging the community in the environmental review of any project developed over the Vanderbilt Yards. In keeping with its mission, CBN took the lead in the community in raising funds to retain experts to respond to the

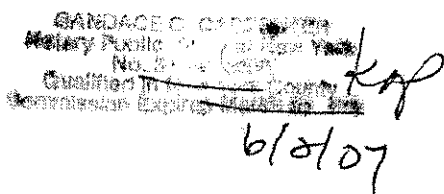
retain experts to respond to the technical aspects of the Environmental Impact Statement ("EIS"), in coordinating the communities' response to draft EIS, and in making sure that the communities' concerns and opinions about the proposed Atlantic Yards project were heard.

3. To further our purposes, I and many other representatives of CBN member organizations attended the three public hearings held by defendant ESDC on the Draft EIS; I myself attended all three hearings, held August 23, 2006, September 12, 2006, and September 18, 2006. At each of the hearings, AKRF, the consultant retained by ESDC and Forest City Ratner Companies ("FCRC") to conduct the environmental review, had staff members manning tables in the lobby distributing CDs of the Draft EIS, printouts of the Executive Summary, and limited numbers of printouts of the General Project Plan. At each event, AKRF, ESDC and/or FCRC also had large prints of the project plan drafts prominently displayed in the lobby through which the community entered the auditorium for each scheduled hearing. Further, at each of the three hearings, AKRF and/or ESDC staff members took names and addresses of individuals requesting the ESDC to send them any of the above materials and all other electronic materials that may or may not have been available at the hearings.


James Vogel

Sworn to before me this
~~27~~ day of May, 2007


Notary Public


SANDAGE C. CHAPMAN
Notary Public
No. 5112
Qualified in
Expiration Expires 12/31/08
KAP
6/2/07